IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH
&
THE HONOURABLE MR. JUSTICE HARUN-UL-RASHID

THURSDAY, THE 20TH SEPTEMBER 2007 / 29TH BHADRA 1929

LA.App.No. 599 of 2003(D)
&
CROSS OBJECTION NO. 86 OF 2004

LAR.36/2000 of SUB COURT, KASARAGOD
.....

APPELLANT/RESPONDENT

STATE OF KERALA.

BY GOVERNMENT PLEADER SMT. K.R. DEEPA.

RESPONDENT/CLAIMANT:
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1. **T.V.MOHAMMED KUNHI,**
   S/O. THAIVALAPPIL MOIDEEN KUNHI,
   RESIDING AT PADINHAR, UDMA DISTRICT.

2. **THE MANAGING DIRECTOR, BAKEL**
   RESORTS DEVELOPMENT CORPN. UDMA.

BY ADV. SRI.V.N.RAMESAN NAMBISAN for R2.
SRI. SURESH KUMAR KODOTH for R1.

THIS LAND ACQUISITION APPEAL HAVING BEEN FINALLY HEARD ON 20/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

LA.App.No. 599/2003(D)

Order on I.A. No. 742/2003 in LA.App.No. 599/2003

Dismissed.

Sd/- **Sd/-**

KURIAN JOSEPH **HARUN-UL-RASHID**
20.09.2007 **JUDGE** **JUDGE**

// True Copy //

P.A. to Judge.

smp

KURIAN JOSEPH & HARUN-UL-RASHID, JJ.

L.A.A. NO. 599 OF 2003

&

CROSS OBJECTION NO. 86 OF 2004

Dated this the 20th day of September, 2007.

J U D G M E N T

Kurian Joseph, J.

This is an appeal filed by the State against the judgment and decree in L.A.R. No. 36/2000 on the file of Sub Court, Kasaragod. The Cross Objector is aggrieved since the benefits under Sections 23(1A) and 23(2) of the Land Acquisition Act are not granted in respect of the enhanced compensation.

2. It is seen that in respect of the adjoining land, Land Acquisition Officer has negotiated the land value and has passed Exhibits A1 and A2 award fixing the land value at Rs. 18,500/- per cent inclusive of all benefits. The reference court only took note of the fact that there is no justification or reason for the respondent in not granting the same land value inclusive of all benefits to the claimants herein and thus a judgment was passed granting the land value at Rs. 18,500/- per cent.

We see no merit in the appeal, in the absence of any evidence to the contra by the appellant that the property is not

adjoining A1 and A2. The evidence available would show that the acquired property is adjoining A1 and A2. Therefore, the appeal is dismissed. Cross Objection also is dismissed, since the fixation of Rs. 18,500/- per cent by the Land Acquisition Officer in A1 and A2 is inclusive of all benefits and that is what is granted to the claimants.

KURIAN JOSEPH
JUDGE

HARUN-UL-RASHID
JUDGE

smp

KURIAN JOSEPH &
HARUN-UL-RASHID, JJ.

L.A.A. NO. 599 OF 2003
&
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J U D G M E N T

20.09.2007